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IAB # SH 2182908

D - Crime scene diagram utilized by Deputy King during his IAB interview.

E - Crime scene diagram utilized by Deputy Morning during his IAB interview.

F - Crime scene diagram utilized by Deputy Ponce during his IAB interview.

MISCELLANEOUS DOCUMENTS

Admonition forms.

Miscellaneous correspondence and related documents.

Los A jeles County Sheriff's Dep tment

Officer Involved Shooting

Report Date: 08-15-08	Bureau/Station/Facility: Cerritos Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 006-04549-2317-011	Date: October 31, 2006 Time: 0806 hours
City or Station: Cerritos Station	Nature of Incident: Deputies responded to location re "Person Down" call and found the victim shot to death and the suspect (Valdivia) shot at responding deputies. Five deputies returned fire and killed S/Valdivia.
Location: 17785 Center Court Dr. Cerritos	

Location Type (*circle one or more*): Backyard, Beach, (Business), Freeway, Industrial, Park, (Parking Lot), Residence, Rural, School, Street, Other: ______

Lighting (*circle only one*): Darkness, (Daylight), Other, Street Lights

Weather (*circle only one*): (Clear), Cloudy, Fog, Rain

Distance: B/T 40 & 80 feet

Incident Type (*circle one or more*): Accidental, (Armed Person), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, (Call), Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, (Routine Patrol)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
42	Unknown	☒	☒

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Cotto	Deborah	A.	EM PM (Day)	(Regular) Overtime Off Duty
[redacted]	Mades	Raymond	A.	EM PM (Day)	(Regular) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.		
See Homicide Investigation Book - Exhibit A				
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
Last Name		**First Name**		**M.I.**
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
Last Name		**First Name**		**M.I.**
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	Cotto	Deborah	A.	(On Duty) (Present during shooting) (Witness to shooting) Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Cotto	Deborah	A.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Esson	Robert	C.

PSTD Use Only
SH # ______

Officer Involved Shooting

IRN: 006-04549-2317-011

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
10-31-08	1700 hrs.	08-15-08	

Employee #	Last Name	First Name	M.I
[redacted]	Denison	Trent	
[redacted]	Flamm	Steven	M.
[redacted]	Parker	Michael	J.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S	E#1	FH	ZZ	9			NN	
S	E#2	FH	ZZ	9			NN	
S	E#3	FH	ZZ	9			NN	
S	E#4	FH	ZZ	9			NN	
S	E#5	FH	ZZ	9			NN	
E#1	S	FH	BR	9	Y	Y	DH	IN
E#2	S	FR	CO	23	Y	Y	DH	IN
E#3	S	FH	BR	9	Y	Y	DH	IN
E#4	S	FH	BR	9	Y	Y	DH	IN
E#5	S	FH	HK	45	Y	Y	DH	IN

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 006-04549-2317-011

Involved Employees

E 1

Employee # [redacted]	Last Name: Morning	First Name: Corey	M.I.: L.
Sex: M Race: B	Rank: Deputy Sheriff	Unit Assignment: Cerritos Station	Work Assignment (Unit #, Module, etc.): 232
ShiftTime (*circle only one*): EM PM **(Day)**	ShiftType (*circle only one*): **(Regular)** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: — Interviewed? ☒
Hrs of sleep prior to shooting: 6 to 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest; Plain Clothes w/ Vest; Raid Jacket no Vest; Raid Jacket w/ Vest; Uniform no Vest; **(Uniform w/ Vest)**	Other Factors:
Age: [redacted] Height: 508	Weight: 185		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9mm	# Shots: 31	Weapons Fired Brand: — Caliber: — # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 2

Employee # [redacted]	Last Name: King	First Name: Aaron	M.I.: W.
Sex: M Race: W.	Rank: Deputy Sheriff	Unit Assignment: Cerritos Station	Work Assignment (Unit #, Module, etc.): 234D
ShiftTime (*circle only one*): EM PM **(Day)**	ShiftType (*circle only one*): **(Regular)** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: — Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest; Plain Clothes w/ Vest; Raid Jacket no Vest; Raid Jacket w/ Vest; Uniform no Vest; **(Uniform w/ Vest)**	Other Factors:
Age: [redacted] Height: 602	Weight: 240		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Colt	Caliber: 223	# Shots: 2	Weapons Fired Brand: — Caliber: — # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 3

Employee # [redacted]	Last Name: Guthrie	First Name: Andrew	M.I.: J.
Sex: M Race: W.	Rank: Deputy Sheriff	Unit Assignment: Cerritos Station	Work Assignment (Unit #, Module, etc.): 234
ShiftTime (*circle only one*): EM PM **(Day)**	ShiftType (*circle only one*): **(Regular)** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: — Interviewed? ☒
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest; Plain Clothes w/ Vest; Raid Jacket no Vest; Raid Jacket w/ Vest; Uniform no Vest; **(Uniform w/ Vest)**	Other Factors:
Age: [redacted] Height: 601	Weight: 280		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 1 Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9mm	# Shots: 5	Weapons Fired Brand: — Caliber: — # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Involved Employee Information

URN: 006-04549-2317-011

Involved Employee

E 4

Employee # [redacted]	Last Name: Hoo	First Name: Mark	M.I.
Sex: M Race: A	Rank: Deputy Sheriff	Unit Assignment: Cerritos Station	Work Assignment (Unit #, Module, etc.): 230M2
ShiftTime (*circle only one*): EM PM **Day**	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #: — Interviewed? [X]
Hrs of sleep prior to shooting: 6 to 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; **Uniform w/ Vest**	Other Factors:
Age: [redacted] Height: 508	Weight: 176		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date:	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 5

Employee # [redacted]	Last Name: Ponce	First Name: Jess	M.I.: V.
Sex: M Race: W	Rank: Deputy Sheriff	Unit Assignment: Cerritos Station	Work Assignment (Unit #, Module, etc.): 230M1
ShiftTime (*circle only one*): EM PM **Day**	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #: — Interviewed? [X]
Hrs of sleep prior to shooting: 5 to 6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; **Uniform w/ Vest**	Other Factors:
Age: [redacted] Height: 600	Weight: 218		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #: — Interviewed? [ ]
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? [ ]	Patrol Certification? [ ]	Certification Unit:	Prior Shootings? [ ] Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 006-04549-2317-011

Suspect Information

S 1

Last Name: Valencia		First Name: Alfredo	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Ph[redacted]	Home [redacted]	Social Securit[redacted]	Driver's Licens[redacted]
Age: 31 D.O.B. 03-15-68	Height: 605 Weight: 140	FBI #	CII # [redacted]
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [X]	Coroner Case # 2006 - 08353	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [X]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S __

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make		Model:	Year:

S __

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make		Model:	Year:

S __

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make		Model:	Year:

See Other Side



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

January 11, 2008

Captain James Curtis
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 06-0684
L.A.S.D. File# 006-04549-2317-011

Dear Captain Curtis:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 31, 2006, fatal shooting of Alfredo Rivera Valdivia by Los Angeles County Sheriff's Deputies Corey Morning, Andrew Guthrie, Aaron King, Jess Ponce, and Mark Hoo. We have concluded that the deputies acted lawfully in self-defense and in the defense of others.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department (LASD) submitted to this office by Detective Steve Lankford and Sergeant Jeff Cochran on September 13, 2007. The District Attorney Command Center was notified of the shooting at approximately 9:25 a.m. on October 31, 2006. The District Attorney Response Team, comprised of Deputy District Attorney Gilbert Wright and District Attorney Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the shooting and a "walk through" of the scene. Compelled statements were not considered as part of this analysis.



Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888

FACTUAL ANALYSIS

On October 31, 2006 at approximately 8:06 a.m., Deputies Corey Morning, Andrew Guthrie, Aaron King, Jess Ponce and Mark Hoo of the LASD, Cerritos Station responded to an assault with a deadly weapon call at 17785 Towne Center Drive in the city of Cerritos. This location is a business complex with a large parking lot adjacent to the building and numerous vehicles parked in the stalls.

As Deputy Morning arrived at the location he was directed by a group of bystanders to a green SUV[1] vehicle that was parked in the lot. As he approached the vehicle he noticed some feet on the ground as though someone was laying on the ground between the driver side of the green SUV and a white vehicle parked next to the SUV[2]. Deputy Morning exited his vehicle and began to walk towards the person on the ground. He had just walked around the driver side door of his vehicle when he heard people yelling "Deputy, he's got a gun, watch out, he's behind the green SUV."

Morning un-holstered his weapon and was facing the person down on the ground when Alfredo Valdivia appeared from behind the passenger side of the green SUV. Valdivia pointed a hand gun and began shooting at Deputy Morning. Morning retreated and ran to the back of his vehicle. Fearing for his life he fired his weapon towards the suspect. Valdivia did not retreat, but instead chased after Deputy Morning. In order to gain distance between himself and Valdivia, Morning retreated from the back of his vehicle and ran in a southwest direction from his vehicle. Valdivia continued to chase after Deputy Morning. Morning fired his weapon towards Valdivia as he tried to run away from him.

Deputy Morning took cover behind a tree and reloaded his weapon. He observed Valdivia sitting inside the passenger side of the green SUV. Valdivia appeared to be either reloading his weapon or clearing a jam in the receiver of the handgun. Morning fired his handgun approximately four to five more times at the suspect from this location. He saw Valdivia duck down and then lost sight of him. Valdivia would pop his head up from behind the SUV and look in the direction of Deputy Morning. Deputy Morning felt that Valdivia was trying to locate his position.

Other deputies began to arrive at the scene. Deputy Morning observed Deputy Guthrie arrive and stop his vehicle north of his position. He heard deputies yell at Valdivia to drop his gun. Morning left his position from behind the tree and ran back to the rear of his patrol car. He then began to make his way towards the green SUV where he observed Valdivia crouched down on the passenger side of the SUV near the front tire. The suspect was on one knee with his back towards Deputy Morning. Valdivia appeared to be working on his gun, either clearing a jam or reloading. Morning knew that other deputes had arrived and were northwest of Valdivia's location. He believed Valdivia was extremely dangerous and was going to shoot and kill a deputy. Morning fired his weapon four to five times at Valdivia as he was kneeling down and working on his gun.

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[1] Sports Utility Vehicle. The vehicle is a 1997 Ford Expedition.
[2] This person was identified as [redacted] the [redacted] of Alfredo Valdivia.



Alfredo Valdivia stood up with his gun in his hand and began to walk away from Deputy Morning across a green belt area next to the SUV towards the other deputies who had arrived at the scene. Deputies Guthrie, Hoo, King and Ponce arrived at the scene aware that Valdivia had shot at Deputy Morning. The deputies took positions of cover and shot at Valdivia. Morning heard deputies yell at Valdivia to "drop the gun." He then heard gunfire. Morning ran towards the patrol car where the rest of the deputies were located. He observed Valdivia down on one knee still holding his handgun and pointing it. He heard deputies yell at Valdivia to drop the gun. He then heard a few more shots and observed Valdivia fall to the ground. Although Valdivia was down on the ground he was still trying to hold up his handgun. Deputy Morning and other deputies then used a protective shield to approach, disarm Valdivia and handcuff him.

Alfredo Valdivia was pronounced dead at the scene without any medical intervention at 8:22 a.m. Valdivia sustained multiple gunshot wounds to the body[3]. A toxicology test indicated no presence of alcohol or narcotics. [redacted] was taken to La Palma Intercommunity Hospital and pronounced dead at 9:05 a.m. [redacted] sustained multiple gunshot wounds to the body. Toxicology test indicated no presence of alcohol or narcotics in the body of [redacted]

Investigators learned that Alfredo Valdivia and [redacted] had been [redacted] for several years before [redacted] in June 2006. Angry that his [redacted] was requesting child support, Valdivia began threatening and harassing her. [redacted] obtained a restraining order against Valdivia. On the day of the shooting Valdivia drove to [redacted] place of employment to confront her. Based on several eye witness interviews, it appears that Valdivia and [redacted] were sitting in the green Ford Expedition when Valdivia shot her. [redacted] exited the vehicle and collapsed on the ground next to the driver side door of the SUV. Upon Deputy Morning's arrival, and as he approached [redacted] Valdivia exited the passenger side of the SUV and began to shoot at Deputy Morning.

CONCLUSION

California law permits the use of deadly force in self-defense or in defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonable believed he or others were in imminent danger of great bodily injury or death. People v. Williams, (1977) 75 Cal. App. 3d 731.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent injury which appears to be imminent. California Jury Instructions-Criminal 5.30 and 5.31

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins, (1961) 189 Cal. App. 2d 575.

[3] An autopsy was performed by Dr. Djabourian ascribing the cause of death to multiple gunshot wounds. Valdivia suffered eleven gunshot sounds. Four of them fatal.



The evidence examined in this investigation shows that Alfredo Valdivia shot and killed his [redacted] When deputies arrived, Valdivia chose to engage the deputies in a gun battle rather then surrender. In fear for their own lives and the lives of others in the area, the deputies responded with deadly force, ending the threat.

We conclude that Deputies Morning, Guthrie, Hoo, King and Ponce acted reasonable and lawfully in self-defense and in defense of others when they used deadly force against Alfredo Valdivia. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

ROY DELGADO
Deputy District Attorney
(213) 974-3888

c: Deputy Corey Morning, #[redacted]
Deputy Andrew Guthrie, #[redacted]
Deputy Mark Hoo, #[redacted]
Deputy Andy King, #[redacted]
Deputy Jess Ponce, #[redacted]